IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2685 OF 2004

Prasad Kundal Raut ..Petitioner.
Vs.
University of Mumbai ..
Respondents.

....

Mr. Yogesh Deshpande i/b M/s. M.P.Vashi & Associates for the petitioner

CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J.

14th October, 2004.

P.C. :

1. Mentioned. Not on Board.

2. The petitioner is presently a student of M. Tech. Degree course studying in the Indian Institute of Technology, at Bombay. On 3rd March, 2004 show cause notice was issued to the petitioner. In the show cause notice it was mentioned as follows :

> "It has been observed on verification of the answer books in the subject of Economics, Finance, Accounting & Costing at the B.E. (Sem VIII) (Production) examination held in the first half of the year 2003, that you have written some answers on the blank pages as well as on the pages which is

> crossed by the examiner by the red ink of your answer books in the said subjects after the declaration of the result of the said examination. It is therefore alleged against you that you managed to get the said answer books, from somebody else known to you and have written answers on the blank pages as well as on the pages which is crossed by the examiner in the red ink. So as to enable to get you passed in the said subjects. You have thereby practised unfair means when you appeared at the B.E. (Sem VIII) (Production) examination held in the first half of the year 2003.

3. In pursuance to the show cause notice, the petitioner appeared. After hearing the petitioner, the university passed an order on 10th August, 2004. In this order it is mentioned that in pursuance to the notice the petitioner appeared before the Unfair Means Enquiry Committee, opportunity was given to him and detailed inquiry was made on 22nd June, 004. The committee observed that it is conclusively proved that the petitioner had adopted unfair means in the said examination. Further the committee had made following observations :

> "I am directed to inform you that your performance at the B.E. (Sem. VIII) Production) examination held in the first half of the year 2003, has been treated as null & void in full and that a fine of Rs.300/- also has been imposed upon you. You are therefore, requested to return the original statement of marks issued to you at the said examination for cancellation."

4. In view of the above, the petitioner's performance at the B.E. (Sem. VIII) (Production) examination held in the first half of the year 2003 was treated as null and void. The petitioner was also directed to pay fine of Rs.300/-.

5. We have heard the learned counsel for the petitioner. Perused the impugned order.

6. We see no reason to interfere with the impugned order in the exercise of our extra ordinary jurisdiction under Article 226 of the Constitution. The petition, being devoid of any merit, is dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.